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**RESOLUTION NO.**

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**WHEREAS**, the City of Austin is committed to undoing its racist past and combatting and denouncing racism in present-day Austin; and

———**WHEREAS**, the City of Austin acknowledges that the history of bigotry and discrimination has contributed to racially disparate outcomes in policing and policy; and

———**WHEREAS**, the Center for Policing Equity found in 2016 that the Austin Police Department (APD) was more likely to use force in communities where more African-Americans and Latinos live, and when force was used, APD was more likely to use more severe force in communities where African-Americans and Latinos live, even after controlling for factors such as community crime and poverty rates; and

———**WHEREAS**, the APD’s state-mandated racial profiling reports consistently show that Black and Latino drivers are more than twice as likely to be searched ~~than~~as their white counterparts during traffic stops despite similar “hit rates”, including in 2018 where ~~6-percent~~6% of traffic stops of white drivers resulted in a police searches compared to ~~14-percent~~14% for Latino drivers and ~~17-percent~~17% for Black drivers; and

———**WHEREAS**, APD data provided per Council Resolution No. 20180614-073 (one of the Freedom City Resolutions) showed that in 2017 APD police officers made

20 discretionary arrests of Black people at more than twice the rate of either white or Latino  
21 residents; and

22 ——— **WHEREAS**, that same 2017 data also showed Black and Latino residents  
23 accounted for just under 75-percent<sup>0%</sup> of those discretionary arrests for driving with an  
24 invalid license, although the two groups combine to make up less than 45-percent<sup>0%</sup> of  
25 Austin's population; and

26 ——— **WHEREAS**, that same 2017 data also showed that one out of three  
27 discretionary arrests for misdemeanor marijuana possession involved a Black resident  
28 even though less than one in ten Austinites is Black, though usage rates of marijuana are  
29 similar across racial groups; and

30 ——— ~~WHEREAS~~, subsequent quarterly reports made pursuant to Council Resolution  
31 No. 20180614-073 show a persistent pattern in which Black people continue to comprise  
32 a disproportionately high percentage of APD's discretionary arrests; and

33 ——— **WHEREAS**, per the quarterly report for Council Resolution No. 20180614-  
34 073, issued by APD on May 3, 2019, Black people still ~~composed 27 percent~~comprised  
35 32% of persons arrested by APD for offenses eligible for citation, which, proportionally,  
36 amounts to more than three times Austin's Black population; and

37 ——— ~~WHEREAS~~, as of March 2019, nearly 40 percent of the 140th Austin Police  
38 Department cadet class had dropped out; and

39           — **WHEREAS**, an anonymous whistle-blower has recently accused an  
40 Assistant Chief of the Austin Police Department of using racist epithets and derogatory  
41 terms, including “negro” and “nigger,” to refer to specific Black elected officials and  
42 sworn officers of the Austin Police Department; and

43           — **WHEREAS**, following the public release of the anonymous complaint and  
44 subsequent resignation of the Assistant Chief named in the complaint, City Manager  
45 announced on November 7, 2019 that a third-party investigation into the allegations that  
46 the use of racial slurs and epithets lasted over a period of many years with the knowledge  
47 of other leadership at APD; and

48           — **WHEREAS**, the Mayor’s Task Force on Institutional Racism and Systemic  
49 Inequity recommends that the City of Austin create protocols to ensure the cultural  
50 competency of all personnel, and that the City of Austin’s law enforcement agencies  
51 engage in continuous diversity and inclusion training, with special attention to implicit  
52 bias training; and

53           — **WHEREAS**, in 2018, the Office of Police Oversight was created to augment  
54 accountability and transparency at APD, and that the department could benefit from  
55 expanded ~~insight~~access and resources; and

56           — **WHEREAS**, the Austin Police Department presented a training plan during  
57 the City of Austin ~~FY19~~FY2019-20 budget deliberations indicating its intention to

58 graduate almost 200 new cadets in Academy classes scheduled to start in February 2020;  
59 and

60 WHEREAS, attrition rates in recent cadet classes exceeded expectations in  
61 at least the last five cadet classes , reaching as high as 49%, suggesting that there exist  
62 issues with recruitment and cadet preparedness; and

63 WHEREAS, while assessment center panels were recommended as a method to  
64 counter the potential bias in written exams for promotion of APD officers, there are  
65 concerns that the system does not accomplish this goal and in fact may have the opposite  
66 impact; and

67 **WHEREAS,** patterns and specific incidents of discrimination and bigotry in the  
68 Austin Police Department erode the public trust, which is necessary to effectively  
69 enforce the law, solve crimes, and maintain public safety, and so the  
70 Council finds it imperative to understand the full extent of bigotry and systemic racism  
71 and discrimination within APD, and consider reforms to APD's policies, protocols, and  
72 training curriculum; **NOW, THEREFORE,**

73 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

74 The Council supports the investigation initiated by the City Manager into the  
75 allegations against a former APD Assistant Chief. The City Manager is directed to provide  
76 an update and publicize resulting findings to Council by January 23, 2020.

77 **BE IT FURTHER RESOLVED:**

78       —Effective on January 23, 2020, the City Manager is directed to  
79 ~~undertake~~initiate a comprehensive, multi-pronged investigation and evaluation of the  
80 extent to which forms of bigotry and discrimination are present in the protocols, practices,  
81 and behaviors of the officers of the Austin Police Department. To the extent to which they  
82 are present, this investigation and evaluation shall document the impacts these individual  
83 and systemic biases have had on hiring, professional ranking, and treatment of personnel  
84 within APD, as well as police interactions with people of color and other marginalized  
85 groups in Austin.

86       —The investigation should begin with an immediate focus on patterns of  
87 prejudiced behavior and institutionalized bigotry in the following high-priority areas:

- 88       1. Officer and supervisor communications, including all public posts on social media  
89       platforms that are available to the investigator, City email, and text messages and  
90       instant message communications on City devices within the last 5 years; and  
91       ~~1. Training materials, course/section descriptions and duration, and description of any~~  
92       ~~other procedures (e.g. detailed descriptions of scenarios) administered to cadet~~  
93       ~~classes and to active officers related to training on communication strategies,~~  
94       ~~cultural competency, acknowledging and addressing bias, use of force, de-~~  
95       ~~escalation, search, pro-active policing, mental health response, protocols for non-~~

96 English speaking subjects, protocols for disabled subjects, recognizing resistance,  
97 and their evaluation protocols;

98 1. ~~Course/section descriptions and duration of all other coursework required at the~~  
99 ~~cadet academy and their evaluation protocols;~~

100 2. Recruitment practices and protocols, efforts to ensure ethnic and gender  
101 diversity and inclusion in recruitment, and assessment of academic resources  
102 available to cadets.

103 Investigation of these high-priority areas of focus should result in an interim report that  
104 includes analysis of expressed behavior and patterns, and any immediate  
105 recommendations for reform presented publicly to the Council no later than December 7,  
106 2020. ~~Recommendations in these high-priority areas should include recommendations for~~  
107 ~~new training materials administered to cadet classes, if necessary.~~

108 —Investigation into and analysis of the following areas of focus should begin  
109 concurrently:

110 ~~2.3. The degree to which the APD is adhering to APD's compliance with state~~  
111 ~~and federal law with regard to racial and sex discrimination in employment;~~

112 4. The basis for the weighting of assessment center panel scores in the professional  
113 ranking and promotion of APD officers, including the degree to which the use of  
114 assessment centers counters potential bias or disparate impact in the promotion

115 process, if at all, and best practices for the transparency and use of assessment  
116 centers in ranking, and the appropriate weights for promotion consideration at each  
117 officer level;

118 ~~3.5.~~ All use-of-force incident reports from June 2019 to November 2019,  
119 analyzing them by location, any resulting charges, if any, the outcome of each  
120 incident, and demographic information including race, ethnicity, and language  
121 spoken of all persons involved;

122 ~~4.6.~~ Aggregate data on every recorded interaction from June 2019 to November  
123 2019 with any member of the public, including type of interaction and its outcome  
124 (search, arrest with charges, citation with charges) and an evaluation on whether  
125 there are racial and/or ethnic or other disparities in searches, arrests, charges and  
126 citations;

127 ~~5.~~ Complaints and disciplinary action taken made against officers and executives  
128 accused of bias and/or discrimination;

129 ~~6.7.~~ The number of sustained complaints of bias against officers and leadership,  
130 including those complaints that did not result in disciplinary action, including, but  
131 not limited to, lack of and the reason that no disciplinary action due to the 180-day  
132 rule was taken in each case, for the last 10 years; and

133 8. Incidents leading to lawsuits for alleged police misconduct, and analysis of  
134 the outcomes and subsequent settlements of those lawsuits, including the amount  
135 of each settlement, over the last 10 years.

136 The evaluating entity will issue a final report no later than December 6, 2021, that  
137 details any patterns of systemic racism, racist behavior, and other forms of discrimination  
138 found in all of the above areas of focus, to include recommendations to remedy and  
139 prevent continued patterns of bias.

140 **BE IT FURTHER RESOLVED:**

141 ———The independent investigation and examination shall be conducted by an  
142 independent third party with substantial experience in the evaluation and investigation of  
143 police misconduct, bias, and claims in employment law and Title VII violations, as well  
144 as in assessing systemic conditions that engender civil rights violations, including both  
145 organizational decision-making and greater policy-making rules and patterns.-

146 The City Manager shall develop the scope of work and qualifications for the  
147 solicitation of the evaluating entity with input from the Joint Inclusion Committee, the  
148 Public Safety Commission, and community organizations that advocate for racial justice,  
149 equity, and criminal justice reform as allowable by the City's purchasing rules. The City  
150 Manager shall determine the appropriate funding sources when recommending the  
151 contract for Council approval.

152 ~~**BE IT FURTHER RESOLVED:**~~

153 \_\_\_\_\_ The City Manager is also directed to collaborate with the Equity Office and  
154 the Office of Police Oversight in a joint oversight capacity ~~in regard to~~ regarding the  
155 selection and supervision of the independent investigating entity, to the extent allowed by  
156 the City's procurement policies.

157 **BE IT FURTHER RESOLVED:**

158 Separately from the independent third-party investigation that is to be completed  
159 no later than December 6, 2021, the City Manager shall initiate an audit of Austin Police  
160 Department's training materials, course/section descriptions and duration, and description  
161 of any other procedures (e.g. detailed descriptions of scenarios) administered to cadet  
162 classes and to active officers related to training on communication strategies, cultural  
163 competency, acknowledging and addressing bias, use of force, de-escalation, search,  
164 proactive policing, mental health response, protocols for non-English speaking persons ,  
165 protocols for disabled persons , recognizing resistance and the rules and procedures that  
166 define resistance and their evaluation protocols, as well as the course/section content and  
167 duration of all other coursework required at the cadet academy and their evaluation  
168 protocols. The City Manager may work with and incorporate results from any review of  
169 APD hiring and training protocols that has been conducted or is being conducted by the  
170 APD's training specialist, the Equity Office, or the Office of Police Oversight.

171 **BE IT FURTHER RESOLVED:**

172 ~~—The City Manager is directed to ensure that the scope of work for the selected third-~~  
173 ~~party investigator will require written reports, including at least one interim report issued~~  
174 ~~no later than December 7, 2020, and a final report issued upon conclusion of the~~  
175 ~~investigation. The final report, as well as interim reports that may be required or otherwise~~  
176 ~~warranted, shall detail any patterns of systemic racism and racist behavior within the~~  
177 ~~Austin Police Department and within the City's oversight of and policy making with~~  
178 ~~respect to APD. The final report and any interim reports should include recommendations~~  
179 ~~for steps to any remedy problematic behaviors and policies, including recommendations~~  
180 ~~that address any systemic patterns and conditions that foster a culture in which racism and~~  
181 ~~other discrimination is acceptable. The final report will be issued no later than December~~  
182 ~~6, 2021.~~

183 **~~BE IT FURTHER RESOLVED:~~**

184 ~~—Separately from other investigations, the City Manager shall initiate an audit~~  
185 ~~of the Austin Police Department's hiring protocols to assess opportunities to better screen~~  
186 ~~qualified candidates. Additionally, the City Manager shall audit training protocols and~~  
187 ~~procedures for the cadet academy and sworn officers to understand the extent to which~~  
188 ~~the training materials currently used foster bias in policing. The City Manager is directed~~  
189 ~~to update or revise training materials for APD to the extent necessary to remedy any~~  
190 ~~findings from the audit. This process should be as publicly transparent as possible, ensuring~~  
191 ~~that the public has access to view training materials on the topics of bias, racism, and~~

192 cultural competency in policing. The audit is to be completed and reported ~~to~~ to Council  
193 no later than June 1, 2020.

194 ——— The \_\_\_\_\_ During this process, the City Manager will track and report on the  
195 following milestones:

- 196 • Training conducted at the Austin Police Academy related to reducing bias,  
197 increasing de-escalation, reducing racial disparities in use of force and severity of  
198 force, reducing racial disparities in discretionary searches, and improving  
199 communication with all individuals regardless of language, ethnicity, sexual  
200 orientation, gender identity or disability;
- 201 • Recruiting and retention and practices and procedures with a focus on whether  
202 those practices and procedures could be improved to retain ethnic and gender  
203 diversity in cadet classes, and whether those practices and procedures, including  
204 the use of disqualification codes for cadets, have a disparate effect or impact based  
205 on race, ethnicity, national origin, sex, religion, sexual orientation, or gender  
206 identity, etc.
- 207 • Current training priorities based on hours on each topic and the overall balance of  
208 training with a focus on whether training should be re-balanced to reduce bias,  
209 increase use of de-escalation techniques, and improve culturally effective  
210 communication, and trauma-informed policing;

- 211 • Cadet training scenarios with a focus on reviewing whether the scenarios teach  
212 officers to use all strategies to de-escalate and communicate effectively in the  
213 situations statistically most likely to occur on their shifts;
- 214 • Identify police academies that have successfully revised training resulting in  
215 reduced force incidents and improved communication with diverse communities,  
216 including police Academies in Cambridge, Washington (Washington State  
217 Criminal Justice Training Commission) and Minneapolis, Minnesota and conduct  
218 site visits and review training reforms; and
- 219 • Improvements in training should be finalized with the input and participation of  
220 community groups representing those disproportionately affected by policing,  
221 including those representing non-white residents and populations, non-English  
222 speaking residents and populations, LGTBQIA+ residents and populations, and  
223 residents and persons with disabilities.

224 Following the start of the cadet class scheduled to begin in February 2020, the City  
225 Manager shall ensure that no new cadet classes mayare to be initiated until this audit is  
226 completed, revisions to the curricula per the milestones above and new training materials,  
227 if ~~any~~necessary, are implemented, in order to resume cadet classes no later than  
228 September 2020. When classes resume, space will be made available for an independent  
229 party to audit classes and instruction.

230 **BE IT FURTHER RESOLVED:**

231 **BE IT FURTHER RESOLVED:**

232 \_\_\_\_\_The City Manager shall issue biannual updates on the progress of the  
233 independent third-party investigation, to include relevant updates on the solicitation  
234 process and anticipated timelines for the investigation to proceed.

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